

Underground Storage Tanks (USTs)

Underground Storage Tanks

Provide guidance for State and local agencies on considering environmental justice as a qualitative factor in priority-ranking systems for State-lead cleanup and enforcement activities	177
Office of Underground Storage Tanks	177
Region 9	177
Provide outreach to States, Indian Tribes, and local agencies	178
Office of Underground Storage Tanks	178
Region 2	179
Region 5	179
Region 9	180
Incorporate environmental justice criteria into UST State grant and cooperative agreements	180
Region 1	180
Region 2	181
Region 3	182
Region 9	182
Encourage minority contractors to apply for certification: and award a grant to National Association of Minority Contractors	182
Office of Underground Storage Tanks	182
Find ways to provide funds and technical assistance to State and Tribal governments	183
Office of Underground Storage Tanks	183
Region 2	183
Region 3	184
Region 4	184
Region 6	184
Region 8	185
Region 9	186
Work with other federal agencies to incorporate environmental justice issues into UST and LUST programs	186
Region 10	186

Topic Area: Underground Storage Tanks

Action Item

Provide guidance for State and local agencies on considering environmental justice as a qualitative factor in priority-ranking systems for State-lead cleanup and enforcement activities.

Office of Underground Storage Tanks

States that receive Leaking Underground Storage Tank (LUST) Trust Fund money have developed priority ranking systems for sites requiring cleanup. The Office of Underground Storage Tanks (OUST) issued a revised “State UST Program Grant Guidance” to encourage States to consider environmental justice as a qualitative factor in priority-ranking systems for State-lead cleanup and enforcement activities. As a result of this guidance, Region 3 has included language in all of their grants and cooperative agreements with States for fiscal year 1995.

In another initiative, OUST and Regional Offices developed a priority-setting system to be used by the Regions for initiating and overseeing corrective action on Native American lands. OUST also developed a system for prioritizing releases and provided guidance on how Regional oversight efforts differ based on a site’s priority.

Completed Milestones

9/94 Issued revised “State UST Program Grant Guidance.”

Contacts

Sammy Ng, (703) 308-8882 (Guidance)

Bob Greenfield, (703) 308-8871 (Native Americans)

Irv Auerbach, (703) 308-8862 (Native Americans)

Region 9

In response to a meeting between Administrator Browner and Mayor Harris of the City of Oakland (a city with a predominant minority population), Region 9 has formed a task force to develop a prototype alternative to the traditional approach of setting cleanup standards on a site-by-site basis. The task force included representatives from State, county, and city agencies as well as representatives from Region 9. The purpose of this project is to investigate historical and current data to establish uniform procedures for similar areas (i.e., set cleanup standards for designated classes of sites and corrective action activities) and to standardize the site remediation process. The project also will identify ways to use limited resources effectively at contaminated sites that pose a risk to human health and the environment and identify ways to accelerate site remediation.

Completed Milestones

10/94 Acquired funding to initiate project.
2/95 Presented final statement of work to task force.
3/95 Initiated work on project by contractor.

Contacts

Pat Eklund, (415) 744-2079
Martin Rodriguez, (415) 744-2076
Matt Small, (415) 744-2078

Action Item

Provide outreach to States, Indian Tribes, and local agencies.

Office of Underground Storage Tanks

Headquarters guidance on environmental justice issues is important because it maintains consistency across all Regional environmental justice plans. Headquarters developed and issued an environmental justice fact sheet to State UST and LUST managers. This fact sheet defines environmental justice, explains how EPA is addressing it, and how UST programs can address environmental justice concerns.

Completed Milestones

9/94 Issued environmental justice fact sheet.

Contact

Sammy Ng, (703) 308-8882

[Note: This entry is also reported under the Outreach, Communications, and Partnerships topic area.]

In another effort, OUST issued a UST and LUST Native American Land Policy statement in July 1993. The statement will continue to be revised to incorporate improvements that have been or will be completed in fiscal years 1995 and 1996. In fiscal year 1995, Congress gave EPA the ability to provide LUST funds to Tribes through RCRA Section 8001 program demonstration grants. In addition, Regions are working to improve their oversight of corrective actions as well as their ability to provide technical assistance to owners and operators of USTs on Indian lands.

Contacts

Bill Lienesch, (703) 308-8873
Amy Haseltine, (703) 308-8898

Region 2

Region 2 translated a booklet developed by OUST, “Don’t Wait Until 1998,” into Spanish and distributed it to the Spanish-speaking regulated community. The purpose of the book is to assist UST owners in understanding the 1998 tank upgrade and replacement requirements. The booklet is being distributed primarily in Puerto Rico. A copy of the Spanish-translated version was sent to OUST and other Regional offices.

Completed Milestones

4/95 Distributed booklet to the Spanish-speaking community.

Contact

Dit Cheung, (212) 637-4124

Region 5

During a meeting on environmental justice in Cincinnati, Ohio, with representatives of community groups, EPA officials from Headquarters and Region 5 were informed that there were several USTs located at a housing project called the Winton Terrace Public Housing Complex, a Housing and Urban Development (HUD) building managed by the Cincinnati Metropolitan Housing Authority. EPA officials agreed to look into the situation even though it was not clear whether the USTs were federal or State-regulated USTs.

During its investigation, EPA discovered that the 30 USTs present at the site were not covered by EPA or Ohio’s regulations. EPA held a meeting to discuss technical logistics and included representatives from Region 5’s OUST and Office of Public Affairs, Ohio’s Bureau of UST Regulations, Cincinnati’s Fire Prevention Bureau, Cincinnati Metropolitan Housing Authority, and two cleanup contractors hired by HUD to remove the USTs. During the meeting, participants established a removal schedule to prioritize those tanks that should be moved first. To ensure the safety of residents and children returning home from school, participants decided that excavations would be completed and backfilled by 3:00 p.m.

EPA held a second meeting at the housing complex with the building residents to present the details of the UST removals and to answer any questions. The removal process is underway and the Cincinnati Metropolitan Housing Authority will inform the residents of all phases of the operation.

Removal of these USTs began in March 1995. Most of the USTs were found not to be leaking and not to have leaked in the past.

Completed Milestones

2/95 Held two meetings regarding technical and community elements of site cleanup.

3/95 Removed 13 USTs.

Contact

Gerry Phillips, (312) 353-4509

Region 9

Region 9 developed an outreach campaign and provided training to owners and operators of USTs (including Tribal governments) and contractors providing UST-related services. Activities included drafting a consultants manual that describes what owners and operators must do to comply with UST requirements, conducting six 3-day workshops on Indian lands, and implementing a “Circuit Rider” program in California, Nevada, and Arizona to conduct outreach and provide assistance to Tribal governments in identifying abandoned USTs.

The Region 9 Circuit Rider is involved in the continuous process of identifying new sites and owners and operators of abandoned UST sites. The Circuit Rider also provides copies of a UST Notification form which is sent to the Region 9’s OUST with a 30-day request for closure of tank(s). The Region provides information to owners and operators on resources that may be used to close the UST. The owners and operators are responsible for working with EPA to assess and clean up the site in the event a release is discovered during closure.

In other efforts, Region 9 renewed its grant for \$65,000 to the Navajo Nation. The Navajo Nation will use the grant to oversee tank removals and identify abandoned USTs. The Region also continued to provide technical training to all of the Indian Tribes in the region and assisted Tribal governments in obtaining access to State financial assurance funds.

In addition, the Region plans to issue bilingual booklets in Spanish that explain the federal UST release detection and remediation of LUST requirements in simplified terms. If the proposed booklet project is not feasible, OUST has proposed to duplicate a previously-translated Spanish training video, “Looking for the Honest Tank.”

Completed Milestones

- | | |
|-------|--|
| 9/94 | Distributed consultants manual. |
| 11/94 | Conducted six 3-day workshops on Indian Lands where over 200 attended. |
| 3/94 | Implemented California and Nevada Circuit Rider program. |
| 9/94 | Renewed grant to Navajo Nation. |

Contact

Pat Eklund, (415) 744-2079

Action Item

Incorporate environmental justice criteria into UST State grant and cooperative agreements.

Region 1

Region 1 is working with the States of Massachusetts and Connecticut to incorporate environmental justice concerns into their State program approval (SPA) that they submitted to EPA in 1993 and 1994, respectively. Each State submitted an approved

environmental justice policy with their SPA application, certifying that its citizens would not be denied equal access to environmental benefits because of racial or economic make-up nor bear a disproportionate share of the risks and consequences of environmental policy.

EPA held a public hearing on June 30, 1994, to address the Massachusetts SPA application. Environmental justice groups at the meeting raised several issues regarding the State program and regulations that were addressed by EPA and the State-lead UST/LUST agencies. One of the issues raised concerned how the State should identify and remove abandoned USTs. These groups also wanted the State to develop a multilingual public participation and outreach program, reform State rules to allow community groups access to the State financial assurance fund for cleanup of contaminated properties, and to include socioeconomic criteria in determining UST/LUST policies. A public hearing for Connecticut's SPA approval is scheduled for the summer of 1995.

Completed Milestones

- | | |
|-------|---|
| 6/94 | Held public hearing on approval of Massachusetts SPA application. |
| 12/94 | State addressed public comments on environmental justice for Massachusetts's SPA application. |

Contacts

Myra Schwartz, (617) 573-5743
Jonathan Walker, (617) 573-9602

Region 2

Region 2 is providing technical assistance and is identifying the appropriate mechanisms for multi-media environmental management support to Indian Tribes. For this effort, Region 2 provided grants to the Seneca, Mohawk, and Oneida Nations during fiscal year 1994 in the amounts of \$125,000; \$151,669; and \$125,568 respectively. In fiscal year 1995, grants were provided to the same Tribes, \$155,430; \$142,577; and \$110,000, respectively. The grants were provided to conduct multimedia environmental assessments and UST inspections. Region 2 also provided funds to the Air, Water, Superfund, Wetlands, and Radon programs to further support activities in Tribal nations. In addition, Region 2 established an Indian Workgroup made up of representatives of all these programs to examine other mechanisms for assistance to Tribal governments.

Completed Milestones

- | | |
|------|---|
| 4/94 | Provided grants for fiscal year 1994. |
| 3/95 | Provided additional funding to Air, Water, Superfund, Wetlands, and Radon programs. |
| 4/95 | Provided grants for fiscal year 1995. |

Contacts

Christine Yost, (212) 264-6722

Dit Cheung, (212) 637-4124

Alice Whitney, (212) 264-9000

[Note: This entry is also reported under the Native American/Tribal Issues topic area.]

Region 3

Region 3 amended the grant/cooperative agreement (CA) language in fiscal year 1995 for UST grants and LUST CAs to States. The changes to grants and CAs address environmental justice concerns in compliance inspections and in the priority ranking of LUST sites.

Contact

Patricia Tan, (215) 597-8392

Region 9

In March 1995, Region 9 provided the States with specific grant guidance on incorporating environmental justice initiatives in certain workplan activities such as leak detection inspections and oversight of LUST sites. The Region also requires the States to inform EPA of any environmental justice activities through quarterly reports.

Completed Milestones

3/95 Forwarded grant guidance to States.

Contact

Pat Eklund, (414) 744-2079

Action Item

Encourage minority contractors to apply for certification; and award a grant to National Association of Minority Contractors.

Office of Underground Storage Tanks

OUST awarded a grant of \$100,000 to the National Association of Minority Contractors to train and certify minority contractors in the removal, installation, monitoring, and leak detection of USTs. This grant will allow for approximately 90 contractors to be trained (at three sessions with 30 firms per session) in fiscal year 1995. Approximately 450 contractors have been trained over the last five years.

Completed Milestones

8/94 Awarded grant.

Contact

Shonee Clark, (703) 308-8895

[Note: This entry is also reported under the Contracts, Grants, and Labor topic area.]

Action Item

Find ways to provide funds and technical assistance to State and Tribal governments.

Office of Underground Storage Tanks

To increase Tribal ability to use the LUST program, OUST requested Congressional authority to give LUST Trust Fund monies to Indian Tribes through RCRA Section 8001. These funds will be used to help Tribes develop the capability to implement an UST program.

Completed Milestones

9/94 Request for monies to Indian Tribes approved.

Contact

Bill Lienesch, (703) 308-8873

[Note: This entry is also reported under the Native American/Tribal Issues topic area.]

OUST also has been reviewing when and how LUST Trust Fund monies may be used to fund cleanups in response to petroleum releases from UST systems on Indian Lands. OUST is drafting guidance that will replace a previous OSWER policy directive on conducting Federal-lead UST corrective action.

Completed Milestones

3/95 Draft outline of new guidance sent to UST/LUST Regional Program Managers for review.

Contacts

Maria Hebenstreit, (703) 308-8566

Amy Haseltine, (703) 308-8898

Region 2

Region 2 is providing technical assistance to Indian Tribes for the management of USTs. As part of empowering Native American Tribes to become self-sufficient in managing USTs and solid waste landfills, the Regional Administrator held a meeting with leaders of the St. Regis Mohawk and Oneida Tribes, which are two of the seven federally recognized Indian Nations. Region 2 plans to conduct a seminar in May 1995 to assist the Tribes in developing local programs for USTs and solid waste landfills.

Completed Milestones

11/94 Met with leaders of the St. Regis Mohawk Tribe.
3/95 Met with leaders of the Oneida tribe.

Contact

Dit Cheung, (212) 637-4124

[Note: This entry is also reported under the Native/American Tribal Issues topic area.]

Region 3

As part of an ongoing effort to encourage States to enforce UST regulations in environmental justice communities, Region 3 targeted 11 facilities with USTs in the cities of Chester and Marcus Hook, Pennsylvania, for inspection during the summer of 1994. These inspections identified violations which included improper leak detection, failure to close unused tanks, and lack of financial mechanisms for cleanup of releases should they occur. Violators were issued on-the-spot field citations with penalty amounts ranging from \$300 to \$700.

Completed Milestones

8/94 Inspected of 11 facilities with USTs.

Contact

Patricia Tan, (215) 597-8392

Region 4

The Region 4 UST Compliance Team conducted inspections of the UST facilities on the Mississippi Band of Choctaw Indians Reservation. During inspections a number of UST leak detection violations were documented. The Region 4 UST Compliance Team has worked with the tribe to correct these leak detection violations which, if left uncorrected, could result in a petroleum release going undetected and becoming a major health and environmental problem.

Completed Milestones

12/94 Completed inspection of UST facilities on the Mississippi Band of Choctaw Indians Reservation.

Contact

Mike Hollinger, (404) 347-3866, x6615

Region 6

At the request of the Santa Clara Indian Pueblo, Region 6's OUST provided assistance in determining the extent of contamination from a leaking UST on Pueblo lands within the City of Espanola, New Mexico. Region 6 obtained the services of a contractor to carry out sampling and testing activities and concluded that the site posed only a mini-

mal threat, and recommended that the Santa Clara Pueblo conduct periodic testing of groundwater.

In December 1994, the Santa Clara Indian Pueblo in Espanola again requested assistance to determine the extent of a suspected petroleum contamination believed to be migrating from adjacent property. The UST Bureau of the New Mexico Environment Department (NMED) acts as the implementing agency for the adjacent property. The UST Bureau began sampling on the adjacent property in February 1995 to determine whether the suspected release poses any threat to the Santa Clara Pueblo's property. Results of the sampling were reported to EPA in mid-March 1995.

Completed Milestones

- 2/94 Conducted sampling of Santa Clara Indian Pueblo property in Espanola, New Mexico.
- 12/94 Received request for UST technical assistance.

Contact

Guanita Reiter, (214) 665-6656

[Note: This entry is also reported under the Native American/Tribal Issues topic area.]

Region 8

Region 8 assisted State and Tribal enforcement programs in complying with UST leak detection requirements by taking direct Federal action both on and off Indian lands. Region 8 conducted over 100 leak detection inspections, jointly with Tribal and State authorities and issued 48 field citations at facilities on these lands with penalties ranging from \$50 to \$650 per facility. The Region also issued five Notices of Violation (NOVs) for federal facilities on Indian lands and issued an administrative order. [Note: This entry is also reported under the Native American/Tribal Issues topic area.]

Region 8 developed and presented a seminar on meeting the requirements for upgrading USTs on the Wind River Reservation in Wyoming. The seminar was open to UST owners and operators, consultants and contractors, State and local governments, and Tribal officials. The seminar helped to raise the awareness, particularly for Tribal members, of the need to upgrade tanks early. Similar events are planned for at least one location in other Region 8 States over the next several months.

Region 8 also developed and presented a course on corrosion and USTs. The course was presented in one location in each State within Region 8. Tribal members were invited and encouraged to attend a session to educate them on the need to upgrade tanks on reservations.

Completed Milestones

- 9/93-9/94 Conducted leak detection inspections, issued field citations, NOVs, and an administrative order.
- 7/94 Conducted corrosion seminars.
- 3/95 Conducted seminar on upgrading.

Contacts

Suzanne Stevenson, (303) 293-1669 (Inspections)

Teri Bahrych, (303) 293-1484 (Upgrading Seminar on USTs)

Debbie Ehlert, (303) 293-1514 (Corrosion Seminars)

Region 9

Region 9 worked with the Bureau of Indian Affairs (BIA) to modify their lease language requiring cleanup of contaminated sites on Indian lands. Negotiations are underway and should be completed by September 1995.

Region 9's OUST is working with the Arizona Department of Environmental Quality (ADEQ) and the SEDESOL (the Mexican equivalent of the United States EPA) Regional Office in Nogales, Mexico, to conduct joint leak detection inspections in the Nogales area, in both the United States and Mexico. The purpose of these inspections is to exchange information and provide opportunities for cross-training.

In addition, Region 9's OUST is working with the County of San Diego to conduct a week-long training on UST release detection and remediation of LUST sites for owners and operators along the California/Mexico border and for Mexico's environmental authorities.

Completed Milestones

1/95 Finalized workplan and project negotiations with San Diego County.

1/95 Initiated planning and organization of week-long training.

Contact

Jennie Bravinder, (415) 744-2104

Action Item

Work with other federal agencies to incorporate environmental justice issues into UST and LUST programs.

Region 10

Region 10 signed an interagency agreement (IAG) with BIA transferring \$15,000 from the LUST Trust Fund to BIA's Yakima Agency. The BIA, in turn, added the funds to an existing natural resources contract with the Yakima Indian Nation which allowed the tribe to conduct a reservation-wide survey of abandoned USTs.

Completed Milestones

8/94 Signed IAG with BIA.

Contacts

Geoff Keeler, (206) 553-1089

Jannine Jennings, (509) 865-5121, x654